

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MAY 16, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Ron Santos, Andrew Gonzales, Tess Nguyen, Rami Talleh, Jeanie Cutler (recording secretary)

MINUTES: April 11, 2007
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2007-010 (SCE HOMES);

**APPLICANT/
PROPERTY OWNER:** Paul E. Saude, 422 11th Street, Huntington Beach, CA 92648
REQUEST: To permit the development of two abutting parcels having a grade differential exceeding three feet between the high and low point with single family homes. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout.
LOCATION: 605-607 14th Street (between Acacia St. and Palm Ave.)
PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and surrounding uses of the requested project. Staff presented the suggested findings and conditions of approval and recommended approval of the project.

Mr. Santos stated that he provided the applicant with a copy of the applicable code requirements identified by the various departments. He stated that no written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the lot coverage was 49.9%.

THE PUBLIC HEARING WAS OPENED.

Paul Saude, property owner, presented building elevations for the proposed single family homes and indicated changes made. He stated his willingness to make additional changes if required. He indicated that the windows cannot be reduced in size because they are egress

windows. Reducing the window size would not comply with the Fire Department City Specifications.

Mr. Saude indicated his concern with Condition 1(a), requiring a minimum two foot variation in the front yard setback between the proposed units.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

The Zoning Administrator asked staff to clarify the recommended two foot variation and explain how it would affect the planters proposed in front of the dwellings. Staff indicated that the planter would need to be removed.

Discussion ensued between the Zoning Administrator, staff and the applicant regarding two design modifications intended to differentiate the appearance of the homes; 1) To allow the buildings to remain in their current locations with some changes to the facades, or, 2) To keep the facades as is and change the location of one of the buildings.

Ms. Broeren stated that she would approve Conditional Use Permit 2007-010 with the findings as recommended by staff, with the addition of the following condition of approval:

1(a). The project shall provide a two foot minimum variation in the front yard setback between the two proposed dwelling units or the project shall provide additional variation in the design of the front elevations.

The Zoning Administrator also revised Condition No. 1(d) by striking reference to the Public Works Department.

CONDITIONAL USE PERMIT NO. 2007-010 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the construction of a single-family residence on each of two adjacent lots, in a residential zone, in an urbanized area.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-010:

1. Conditional Use Permit No. 2007-010 to permit the development of two abutting parcels having a grade differential exceeding three feet between the high and low point with single family homes will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will be developed without significantly altering the existing grade

of the subject property, which is currently developed with two detached dwelling units, and will maintain consistency with the predominant pad elevations and site grade conditions of adjacent properties.

2. The conditional use permit will be compatible with surrounding uses because the neighborhood is primarily developed with single family and multi-family residential units developed at a comparable grade. The proposed development will be compatible with other residential structures in the area taking into account the proposed building massing, height, and grade and that of existing properties in the immediate vicinity.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project, as proposed, complies with all applicable development standards and code requirements, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking. The HBZSO allows development on parcels with a grade differential exceeding three feet between the high and low points of the lot with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RMH-25-d (Residential Medium High Density – 25 units/acre maximum – design overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character.
 - b. Policy LU 9.1.2: Require that single family residential units be designed to convey a high level of quality and character.
 - c. Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures.
 - d. Policy LU 9.2.1: Require that the use of building heights, grade elevations, orientation, and bulk are compatible with the surrounding developments.

The conditional use permit accounts for the unique characteristics of the project site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The proposed project incorporates quality materials and design. The grade elevations, building orientation, and bulk will be compatible with other residential properties existing in the neighborhood.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-010:

1. The site plan, floor plans, and elevations received and dated March 12, 2007 shall be the conceptually approved design with the following modifications:
 - a. The project shall provide a two foot minimum variation in the front yard setback between the two proposed dwelling units or the project shall provide additional variation in the design of the front elevation.

- b. The first floor living room window on the northeast side of 607 14th Street shall be relocated so as to offset alignment with the first floor window of the dwelling at 609 14th Street. **(HBZSO 230.22)**
 - c. The project shall provide variation in the design of the rear elevations of the proposed dwelling units.
 - d. One of the unit's entry walk, walls and courtyard shall be redesigned to be totally different than the other units so that there are no mirror images or cookie cutter designs. Each unit shall have its own entry character when viewed from the street.
2. Prior to issuance of grading permits, the Precise Grading Plan, prepared by a Licensed Civil Engineer, shall provide for replacement of street pavement for half-width (37.5 foot width) of 14th Street along the project frontage. **(HBZSO 230.84) (PW)**.
 3. Prior to submittal for building permits, a corrosion report must be prepared by a qualified person who will determine the suitability of buried pipe and recommend a method to protect buried pipe when corrosive soil is encountered. The recommendations of the report shall be printed on the plans. **(B&S)**
 4. Prior to issuance of building permits, a copy of the grading plan approved by Planning and Public Works shall be attached to the approved sets of plans. **(B&S)**

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: CONDITIONAL USE PERMIT NO. 2007-011 (EXTREME NET GAMES):

APPLICANT: John Anh Pham, 17939 Los Tiempos Street, Fountain Valley, CA 92708

PROPERTY OWNER: King Center Plaza, LLC. Fairfax Group, LLC., 444 S. Flower Street, Suite 500, Los Angeles, CA 90071

REQUEST: To permit the establishment of a cyber café within an existing Commercial shopping center.

LOCATION: 19026 Brookhurst Street (south east corner of Brookhurst Street and Garfield Avenue)

PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and surrounding uses of the requested project. He also indicated that the applicant modified the number of computer stations requested from 60 to 45 computers, based on comments received by the Fire Department.

Mr. Gonzales concluded his presentation and recommended approval of the project and suggested the following modification to Condition No. 2(j) based on comments received by the City Attorney's office:

During business hours, those under 18 years of age, except when physically accompanied by a parent, legal guardian, or an adult whom the parent or legal guardian has given written permission for the minor to be with at the business, may not enter or remain on the premises between the hours of 6:00 p.m. to 3:00 p.m. Monday through Friday, and except on school holidays/school vacation, ~~and~~ or after 10:00 p.m. ~~on Saturday and Sunday~~ Monday through Sunday. Notice of the above stated prohibition shall be posted by the owner at the entrance in lettering of at least two (2) inches in size.

Mr. Gonzales indicated that two questions of a general nature had been received in response to the public hearing notification.

Ms. Broeren confirmed with staff that the project complied with the minimum required number of parking spaces.

THE PUBLIC HEARING WAS OPENED.

Eileen Pay, 10031 Kikui Drive, spoke in opposition to the request. Her main concerns were regarding the type of unfavorable clientele it might attract, the late operating hours, the visibility of the computer screens by children walking into the cafe, and the effect all of this may have on property values.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Police Officer Reynolds stated his concerns with a hidden alcove in the parking area. He indicated it may be possible to install surveillance cameras to monitor the area.

John Pham, applicant, stated that he owns and operates another cyber café in the City of Huntington Beach and is willing to work with the Police Department to avoid any incidents. Mr. Pham indicated that his other location remains open until midnight. He indicated that the cyber cafe provides computer games and internet access/email, for college students.

In response to a question from the Zoning Administrator, Mr. Pham agreed to limit use of the back door to an emergency exit only.

Ms. Broeren stated that based upon the information presented, she finds that the project will not have a detrimental effect on the neighborhood.

Ms. Broeren recommended that Ms. Pay and her neighbors familiarize themselves with the findings and conditions. Should they have any concerns or if a violation of the CUP occurs, they can contact the Project Planner, the Police Department, or the Code Enforcement Division.

Ms. Broeren stated that she would approve the request with the recommended findings and conditions with the addition of item 1(a), indicating that the rear door will be an emergency access only.

CONDITIONAL USE PERMIT NO. 2007-011 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of minor alterations to a commercial suite within an existing shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-011:

1. Conditional Use Permit No. 2007-011 to permit the establishment of a cyber café within an existing commercial shopping center will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed cyber cafe will not generate noise, traffic, demand for parking, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. The site provides the necessary parking to accommodate the proposed use. The adjacent residential development to the east will be adequately buffered from the proposed establishment by a 143 foot building setback. In addition, the storefront will provide the primary entrance for the proposed use which is orientated an additional 74 feet away from the adjoining residential district. As conditioned, "no loitering" signage will be posted and the hours of operation will be restricted to mitigate any spillage of noise and activity to neighboring properties.
2. The conditional use permit will be compatible with surrounding uses because the proposed cyber cafe will be located within an established commercial shopping center containing similar and complimentary uses.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Cyber cafés are permitted in the CG (Commercial General) zone, subject to conditional use permit approval.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General-0.35 max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. ED 2.4: Revitalize, renovate and expand that existing Huntington Beach commercial facilities while attracting new commercial uses.

- b. ED 2.4.2: Seek to capture the "new growth" businesses such as telecommuting; entertainment-commercial based development; knowledge based retail and entertainment information retail uses.
- c. ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed conditional use permit will establish a new and innovative use to an existing commercial center by providing additional recreational opportunities to residents and visitors to the City. The proposed use will provide a greater diversity of commercial options and aid with sustaining the longevity of the shopping center.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-011:

1. The site plan, floor plans, and elevations received and dated April 26, 2007.
2. The use shall comply with the following:
 - a. The rear door of the commercial unit shall remain closed during regular business hours, and serve for emergency access only.
 - b. The lounge, counter, all entrance/exits, all computer areas, and all fixed/permanent money handling areas shall have surveillance coverage through the use of security surveillance cameras. The cameras shall not be the scanning type. The cameras shall remain fixed and positioned to capture all areas for which it is installed in. The cameras must be operating during all business hours. Videotapes of the images captured from these cameras shall be maintained for a period of fourteen calendar days and videotapes shall be immediately made available for the Chief of Police or his/her designee upon request. The Chief of Police or his/her designee holds the right to request additional cameras be installed if it is found that there is not sufficient amount of cameras to cover all concerned areas. The Chief of Police or his/her designee holds the right to request a change in position of camera(s) if the position of the camera(s) does not cover necessary areas as it relates to the police departments safety concerns. The business owners must fulfill this request within seven (7) calendar days.
 - c. The business shall post signs at the entrance doors and in the interior of the business that are clearly visible to the patrons, these signs will state that the business premises and all patrons are under camera/video surveillance.
 - d. All computer screens must be positioned in a way so that anyone walking into any room can clearly see the computer screens.
 - e. The business shall take immediate action to cease any viewing of "adult matter/pornographic material" once it becomes aware of such viewing by minors (under 18).
 - f. All interior areas of the business shall remain well lit during business hours. If the lighting is not sufficient, the Chief of Police or his/her designee can demand that the

business, its proprietors, employees, or security guard, increase the lighting immediately. If additional lighting fixtures are needed, as recommended by the Police Department, the proprietor must comply within seven (7) calendar days.

- g. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. The view required must be by direct line of sight from the manager's station.
- h. There shall be no window tinting or coverings to the front of the business during business hours.
- i. Compliance of applicable "no smoking" laws inside the business shall be strictly enforced by the business owner or his/her employee(s).
- j. Business hours are allowed between 6:00 a.m. and 12:00 Midnight Sunday through Thursday. Friday and Saturday the hours will not exceed 6:00 a.m. – 2:00 a.m. There shall be no patrons in the business between 2:00 a.m. and 6:00 a.m., during any day of the week.
- k. During business hours, those under 18 years of age, except when physically accompanied by a parent, legal guardian, or an adult whom the parent or legal guardian has given written permission for the minor to be with at the business, may not enter or remain on the premises between the hours of 6:00 a.m. to 3:00 p.m. Monday through Friday except on school holidays/school vacation, and or after 10:00 p.m. Monday through Sunday. Notice of the above stated prohibition shall be posted by the owner at the entrance in lettering of at least two (2) inches in size.
- l. All patrons over the age of 12 must have a valid form of identification (e.g. drivers license, state identification card, school identification, etc.) and the patrons must leave the identification with the employee designated to be responsible for maintaining the identification while the person patronizes the business. At all times, patrons who are 12 years and younger must be accompanied by a parent, legal guardian, or an adult who whom the parent or legal guardian has given written permission for the minor to be with at the business. These age restriction/requirements are due to the many violent games, which are, present and played on the computers. (Note: age/hour restriction does not apply to those under 18 years of age who have been legally emancipated).
- m. Maintain a computerized log which links the identity of each customer from whom such identification has been collected with the terminal used by that customer on any given date and time such that it is possible to identify the source (customer) responsible for any Internet traffic which originates from a computer within the facility. At the request of appropriate law enforcement authorities, owner shall provide said logs to such authorities without further legal process and without notifying effected customers. These logs will be kept for 60 calendar days.
- n. Employees shall be at least eighteen (18) years of age. There shall be a minimum of one (1) employee present at all times the business is open.

- o. "No loitering" signs shall be posted at the front and rear of the business. In addition, a waiting area with not less than eight seats shall be provided for customers waiting to use a computer. No outside waiting or seating area is permitted.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: CONDITIONAL USE PERMIT NO. 2007-009 (SUSHI TOP RESTAURANT):

APPLICANT: Kiyoshi Watanabe, 19171 Magnolia Street, Unit 8, Huntington Beach, CA 92646
PROPERTY OWNER: Eric W. Bren, 2140 Ocean Way, Laguna Beach, CA 92651
REQUEST: To allow onsite sale and consumption of alcoholic beverages at an existing restaurant.
LOCATION: 19171 Magnolia Street, Unit 8 (west side of Magnolia Street, between Garfield Avenue and Seahurst Drive)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and surrounding uses of the requested project. Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions of approval as presented in the executive summary. He concluded his presentation and indicated that no other written or verbal comments were received in response to the public notification.

THE PUBLIC HEARING WAS OPENED.

THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

In response to a question from Ms. Broeren, staff confirmed that the restaurant was established in 2002.

CONDITIONAL USE PERMIT NO. 2007-009 APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of minor alterations to a commercial suite within an existing shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-009:

1. Conditional Use Permit No. 2007-009 for sale and consumption of alcoholic beverages for an existing restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed onsite alcohol sales will not generate noise, traffic, demand for parking, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. Furthermore, the residential uses to the south are buffered by a 200 ft. wide park. In addition, the adjacent residential uses to the east are approximately 300 ft. away and further shielded by a separate commercial building that physically separates the two uses.
2. The conditional use permit will be compatible with surrounding uses because the proposed restaurant will be located within an established commercial shopping center containing similar and complimentary uses.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Alcohol sales are permitted in the CG (Commercial General) zone, subject to conditional use permit approval.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General-0.35 max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
 - b. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate existing development by allowing alcohol sales at an existing restaurant. The proposed use will serve the needs of local residents and visitors to the City by providing for additional dining service and menu options.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-009:

1. The site plan, floor plans, and elevations received and dated February 2, 2007, shall be the conceptually approved design.
2. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 4: CONDITIONAL USE PERMIT NO. 2007-012 (KHATIBI FENCE AND GATES):

APPLICANT: Wayne Carvalho, 21190 Beach Boulevard, Huntington Beach, CA 92648
PROPERTY OWNER: Michael Khatibi, 9131 Adams Avenue, Huntington Beach, CA 92648
REQUEST: To permit a 220 ft. long, 5 ft. 4 in. high wrought iron fence along the front property line in lieu of the minimum required 10 ft. front yard setback and two vehicular access gates (6 ft. high and 4 ft. high) along the front property line in lieu of the minimum required 20 ft. setback for vehicular stacking.
LOCATION: 9131 Adams Avenue, Huntington Beach (north side of Adams Avenue, east of Magnolia Street)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and surrounding uses of the requested project. Staff recommended approval of the request based upon the suggested findings and conditions of approval as presented in the executive summary with one modification that the parking space next to the gate shall be increased in width by three feet.

No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, clarified with staff the placement of the gates and confirmed that this was a proactive code enforcement violation.

THE PUBLIC HEARING WAS OPENED.

Aziz Gouda, 91151 Adams Avenue, indicated that this project began one year ago and inquired as to when it would be completed. He also questioned the unattractive appearance and height of the gate.

Wayne Carvalho, Applicant, stated the property owner had reviewed the findings and conditions and that the fence is six feet at the highest point.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Discussion ensued between the Zoning Administrator, Mr. Carvalho and staff regarding the height of the gate, whether there was double fencing, and the shape of the lot.

Ms. Broeren explained the goal of the permit process is to ensure the gate is safe and the fence is of attractive design. She stated that staff had confirmed the height of the gate and that she concurs with staff's findings and recommended conditions.

CONDITIONAL USE PERMIT NO. 2007-012 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15311 of the CEQA Guidelines, because the project consists of construction of a minor structure accessory to an existing commercial facility.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-012:

1. Conditional Use Permit No. 2007-012 to permit construction of a 220 ft. long, 5 ft. 4 in. high wrought iron fence along the front property line in lieu of the minimum required 10 ft. front yard setback and two vehicular access gates (6 ft. high and 4 ft. high) along the front property line in lieu of the minimum required 20 ft. setback for vehicular stacking will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject property is located at the terminus of a cul-de-sac where minimal traffic is experienced. The proposed design does not have the potential to significantly impact traffic safety since the gates remain open during business hours. The proposed gates will not impede vehicular or pedestrian traffic circulation along the subject property's street frontage. The fence is designed with high quality materials such as wrought iron and pilasters with a stone veneer, which will enhance the appearance of the street scene.
2. The conditional use permit will be compatible with surrounding uses because the fence is proposed in an area with a pattern of variable building and fencing setbacks. The proposed fence and gates will be constructed of quality, decorative building materials and

will be compatible with the existing office building. In addition, the fencing is designed to allow visibility of the existing landscaping in the front yard setback, to compliment the residential character of the street which is prevalent with landscaped front yard setbacks.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The HBZSO permits fences exceeding 42 inches in height within the required front setback with approval of a conditional use permit. It also authorizes privacy gates with a conditional use permit, when proposed in conjunction with a driveway providing less than 20 linear feet for vehicle queuing. The fence and pilasters will be constructed to comply with building code requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CO (Commercial Office) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.2: Require that development be designed to account for the unique characteristics of projects sites and objectives for community character.

LU 10.1.5: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

LU 10.1.6: Required that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

The location of the subject property at the terminus of a cul-de-sac ensures that the proposed gates will not interfere with the smooth and efficient flow of vehicles, bicycles and pedestrians and therefore protecting the residential uses from vehicular traffic impacts. The proposed fence is designed with high quality materials which will make a positive visual contribution to the public streetscape. The proposed wall will be designed with decorative features such as wrought iron and pilasters with a stone veneer to match the main structure.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-012:

1. The site plan and fence elevations received and dated March 13, 2007 shall be the conceptually approved design with the following modifications:
 - a. The parking space located adjacent to the vehicular access gate at the southeast corner of the site shall be increased in width by three feet.
2. The sliding and swinging gates shall be open during business hours, from 9:00 AM to 5:00 PM.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall

defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 5: TEMPORARY USE PERMIT NO. 2007-002 AND COASTAL DEVELOPMENT PERMIT NO. 2007-003 (SURF CITY NIGHTS)

APPLICANT: Downtown Business Improvement District, Connie Pedenko and The City of Huntington Beach

PROPERTY OWNER: City of Huntington Beach, Economic Development Department, 2000 Main Street, Huntington Beach, CA 92648

REQUEST: To permit the closure of Main Street every Tuesday night to allow for an outdoor festival for a period of five consecutive years (2007-2011). The festival will consist of various activities including sidewalk sales, farmer's market, live entertainment, food preparation and tasting, and kids activities (bounce house and train).

LOCATION: Main Street (between Pacific Coast Highway and Orange Avenue – Downtown Huntington Beach)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and surrounding uses of the requested project. Staff presented the suggested findings and conditions of approval as presented in the executive summary. He stated that the applicant revised the request from five years to one year.

Mr. Talleh stated that the Public Works Department (PW) provided recommended conditions which were received the day of the hearing. Mr. Talleh proceeded with a summary of the proposed Public Works conditions.

No written comments were received in response to the public notification. However, one inquiry was received from a business owner on Main Street concerned with the booths blocking visibility to her storefront.

THE PUBLIC HEARING WAS OPENED.

Jessie Vargas, Manager of Customer Service, United States Postal Service, 316 Olive Avenue, stated that he was not opposed to the festival; however he was concerned with the loss of customer parking on Main Street and blocked access to the loading area. He noted that the project description states closure of Main Street only and does not describe the closure of Olive Street and Walnut Avenue.

David Shaw, business owner, Orange Avenue and Third Street, stated he is not opposed to the festival, but expressed concern with closure of the alley behind his business, people urinating in the alley, garbage in the area, and a shortage of parking space. He indicated that, in his opinion, there is not enough police presence in the area.

Stephanie Inbody, General Manager, Fred's Mexican Café, 300 Pacific Coast Highway, spoke in opposition to the closure of Main Street. She was concerned with potential traffic problems at the corner of First and Main. She stated that with the ongoing construction work, the street closure will have a detrimental effect on businesses in the area. Ms. Inbody asked if there will be another public hearing for the approval of the shuttle.

Nova Punongbayan, Economic Development Department, indicated that the Economic Development Department is working with the Post Office to address their concerns with access to the loading area. She indicated that even though access from Main Street will be blocked, the alley still provides access to the site.

Stanley Smalewitz, Economic Development Director, stated that the alleyways were closed by mistake. The alleyways will remain open during the festival.

Ms. Broeren asked Officer Reynolds to address Mr. Shaw's comments regarding police presence in the downtown area.

Officer Reynolds, HBPD, stated that the City hired two officers to work from 4:00 p.m. until midnight, every Tuesday night, in addition to the two officers that were already assigned to the downtown area. He stated that because the weather is getting warmer the phone call activity has increased so consequently fewer patrol officers are available at the event area. The two officers assigned to the area are also responsible for the beach and the Hyatt/Hilton hotels. He said they had not received increased calls for service on Tuesday nights but had increased the number of actions by the police who were on hand. He said that the City is looking into long-term plans to address the restroom facilities.

Mr. Stachelski, Public Works Department, confirmed with the Zoning Administrator that an encroachment permit from Caltrans will be required before the first block of Main Street can be closed off to vehicle traffic. An application has been submitted to Caltrans, however a response may not be received until the end of June. He was in agreement with Ms. Broeren on the recommendation for the conditions that the first block would not be closed until after Caltrans have given their consent.

Discussion ensued between the Zoning Administrator, Mr. Stachelski and staff regarding traffic, parking capacity and street closure signage.

Ms. Broeren stated that she was concerned with language in the suggested Public Works conditions of approval. She indicated that the condition requiring shuttle service to/from a remote parking lot at City Hall and the festival, as written, would require a new public hearing. Thus the condition does not adequately address the provision of additional parking in a timely manner.

Considerable discussion ensued between the Zoning Administrator and staff regarding availability of parking spaces and the mechanism requiring shuttle service.

Ms. Broeren stated she would continue the project in order for staff to re-notice the neighborhood and modify the project description to include all the street closures and remote parking lot.

TEMPORARY USE PERMIT NO. 2007-002 AND COASTAL DEVELOPMENT PERMIT NO. 2007-003 WAS CONTINUED TO THE JUNE 6, 2007 MEETING OF THE ZONING ADMINISTRATOR.

THE MEETING WAS ADJOURNED AT 3:25 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JUNE 6, 2006 AT 1:30 PM.



**Mary Beth Broeren
Zoning Administrator**

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